

Senate Study Bill 1195 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to strip searches of simple misdemeanants at a
2 jail or municipal holding facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 804.30, Code 2013, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **804.30 Strip searches — simple misdemeanors.**

4 1. A person arrested for a simple misdemeanor including a
5 simple misdemeanor punishable as a scheduled violation, who
6 is committed to the general population of a jail or municipal
7 holding facility, may be subject to a strip search. A strip
8 search pursuant to this section shall be conducted in the
9 following manner:

10 a. (1) A visual search may be conducted by directing the
11 arrested person to disrobe, shower, and submit to a visual
12 inspection.

13 (2) A visual search may include the probing of the mouth,
14 ears, or nose.

15 b. For a search involving physical contact other than with
16 the mouth, ears, or nose, authorization from a supervisor shall
17 be obtained for the physical probing of any other body cavity.

18 c. A visual search or probing of any body cavity shall be
19 performed under sanitary conditions.

20 d. The search shall be conducted in a place where the search
21 cannot be observed by persons not conducting the search.

22 e. The search shall be conducted by a person of the same
23 sex as the arrested person, unless the search is conducted by a
24 physician.

25 2. Subsequent to a strip search, a written report shall
26 be prepared which includes any authorization required by
27 subsection 1, the name of the person subjected to the search,
28 the names of the persons conducting the search, and the time,
29 date, and place of the search. A copy of the report shall be
30 provided to the person searched.

31 **EXPLANATION**

32 This bill relates to strip searches of simple misdemeanants
33 at a jail or municipal holding facility.

34 Current law specifies that a person arrested for a scheduled
35 violation or simple misdemeanor shall not be subjected to a

1 strip search unless there is probable cause to believe the
2 person is concealing a weapon or contraband, and if certain
3 conditions are followed.

4 The bill provides that a person arrested for a simple
5 misdemeanor including a scheduled violation who is committed to
6 the general population of a jail or municipal holding facility
7 may be subject to a strip search.

8 The bill specifies that a visual search may be conducted by
9 directing the arrested person to disrobe, shower, and submit
10 to a visual inspection. The bill further specifies a visual
11 search may include the probing of the mouth, ears, or nose.

12 Current law requires written authorization from the
13 supervisor on duty prior to any search. The bill eliminates
14 such a requirement unless the search involves physical contact
15 other than probing of the mouth, ears, or nose.

16 The bill also eliminates a probable cause finding and a
17 search warrant prior to a search involving physical contact if
18 the search involves physical contact other than probing of the
19 mouth, ears, or nose.

20 The bill retains the current provisions that a search must
21 be conducted in a place where the search cannot be observed by
22 persons not conducting the search and that the search shall
23 be conducted by a person of the same gender as the arrested
24 person, unless the search is conducted by a physician.

25 The bill also retains the requirement that a written report
26 be prepared which includes authorization of the supervisor, if
27 applicable, the name of the person subjected to the search, the
28 names of the persons conducting the search, and the time, date,
29 and place of the search. A copy of the report shall be provided
30 to the person searched.